

**ARIZONA JUDICIAL COUNCIL'S
COMMITTEE ON SUPERIOR COURT**

MINUTES

**Westward Look Resort
245 Ina Road, Tucson, Arizona
September 14-15, 2000**

MEMBERS PRESENT

Hon. Roger W. Kaufman
Hon. Silvia Arellano
Hon. Mark Armstrong
Hon. Edward Dawson
Hon. R. Douglas Holt
Hon. Brian Ishikawa
Hon. Michael Jeanes
Hon. Cindy K. Jorgenson
Hon. Kirby Kongable
Mr. Gary Kremerik

Hon. Kenneth Lee
Hon. John S. Leonardo
Hon. Nancy K. Lewis
Hon. Denise I. Lundin
Hon. Leslie Miller
Hon. Fred Newton
Hon. William J. O'Neil
Mr. Marcus Reinkensmeyer
Hon. Monica Stauffer

MEMBERS NOT PRESENT

Mr. Don Stiles
Mr. Oren D. Thompson

Hon. Raymond W. Weaver, Jr.
Mr. Charles W. Wirken, Esq.

STAFF/GUESTS

Margaret Cawley
George Diaz Jr.
David Sands
Karen Westover
Stephen Nelson
Debbie Finkle
Nancy Swetnam

Deborah Marshall
Dennis Metrick
Helen Tallent
Rick Rager
Mark Moran
Janet Scheiderer
Zachary Dal Pra

I. WELCOME AND OPENING REMARKS

Roger Kaufman called the meeting to order and welcomed everyone. All those present introduced themselves. The meeting on Thursday, September 14, which started at 1:00 PM, was devoted to strategic planning, while the meeting on Friday, September 15 was devoted to normal Committee business.

II. BUSINESS ITEMS

A. Strategic Planning Session - Thursday, September 14, 2000

Marge Cawley (AOC) began the session with an overview of strategic planning. She reported on the recent results of the citizen's survey and indicated this would be complemented with a court survey that is presently being conducted. Marge also presented information on "problem solving courts," an initiative instituted by the Conference of State Court Administrators (COSA). Rick Rager (AOC) presented a five-year statistical overview dealing with population, filing, disposition, pending, revenue and expenditure data.

The Committee listened to a presentation from Maricopa County given by Zachary Dal Pra on the treatment needs of drug dependant defendants, an estimated 13,500 in Maricopa alone. At least 10,000 of these probationers are left to fund their own treatment interventions. There is a general lack of funds and treatment facilities to address this issue. Judge Kaufman indicated that this treatment neglect only leads to continuing recidivism problems. Judge Kaufman recommended that this should become one of our strategic initiatives, namely, we should emphasize treatment over incarceration and that this should be a state initiative. If we do not do this, with Proposition 200 prohibiting incarceration for many offenses, we will have second and third time felony offenders with no significant intervention at all. We also need to deal with drug cases at the limited jurisdiction level. Another problem is the need for Spanish interpreters, especially for civil cases.

There was a second presentation by Karen Westover, Maricopa County on their recent jail facility expansion project. The aim is to have four courtrooms in the jail—two early felony proceedings and two initial appearance courtrooms - to expedite the processing of probation bound cases in five days. The Committee decided this project may be not be applicable outside Maricopa County.

B. The Committee then proceed to engage in the actual strategic planning process and came up with the following issues:

1. We need a coherent plan for drug offenders. We need to deal with issues of resources, costs, and recidivism rates. More information is needed on program successes and failures. We need an assessment of different treatment programs, including juvenile court and family court. We need to deal with substance abuse in general, both drug and alcohol. There is also the issue of clients in civil and domestic relations cases, e.g., divorce, domestic

violence, etc., who may need substance abuse treatment. Mental health is another treatment issue.

2. This discussion lead to the issue of what is the proper role of the court in such a therapeutic treatment environment? What should the proper role of the judge be? Should the court go this far in offering treatment alternatives? Should it be the role of the court to inform the public about needs and lack of resources (public education)? What are the limitations of the court? (This issue will become the subject matter of the next meeting of the Committee.)
3. A third issue discussed was the need for professional trained court interpreters, both language and for the deaf. This lead to a general discussion on need to improve access to the courts in general, especially since we are witnessing an increase in pro se representation in domestic relations cases. We need to remove legalese and other court specific jargon as much as possible.
4. This lead to a further discussion about the need to expedite and simplify court processes, including court rules. The court should encourage pro bono work by lawyers and simplify court forms. The court should expand its self-help centers and provide additional pro se services perhaps through some type of "Friend of the Court" program.
5. Quality of work force issues were raised, particularly with regard to attracting and retaining court employees amid a changing work force environment. Courts cannot find adequately trained staff. This lead to a general discussion of training issues noted below in item #7.
6. There is an increased demand for probation services at the limited jurisdiction level and this must be addressed somehow given the lack of funds and resources.
7. Training was recognized as a huge issue, both for staff, court administrators and top level managers, and new judges. There is need for a comprehensive training program at the state and county level. The National Association of Court Managers has put together a suggested core curriculum which could be used as a model for such a training program. A certification program, especially for clerks, is another possibility. There is a general need for leadership training. We may be able to link with local universities to provide this training.
8. The AOC should prepare a media package on the courts that could be distributed to local County Board of Supervisors for orientation purposes. A similar package should be prepared for new presiding judges. Any information prepared needs to be user friendly.

9. We need to learn how to use technology more efficiently, e.g., probation to clerks connection), including proper training.
10. We need to increase juror compensation. Information on compensation in other jurisdiction would be helpful. We need to look into current summons and questionnaires to determine if any changes are needed or if we can devise a statewide summons and questionnaire. (The AOC is currently working with a user group of juror commissioners on these issues.)
11. There is the need for more public education on the role and function of the courts. We need to improve communication in general, especially information distribution. In general, we need to increase customer service and assistance to the public.
12. We need to provide for better physical access to our courts. We need to explore the idea of regional courthouses. We need to develop plans for courthouse expansion.
13. We need to develop some type of training manual on how to deal with the media. We need to develop a media package that can be distributed at the local level.

C. Under the direction of Marge Cawley the Committee reworded and consolidated the suggestions as detailed below. A vote was then taken on each issue, the results of which appear below.

Issue A - Coherent Plan for Drug Court/Alcohol/Mental Illness (Court process, resources, develop information, adult, family, juvenile, and cost effectiveness) - **7.1**

Issue D - Simplify and Expedite Court Processes Especially with Domestic Relations Court, Improve Access - **6.8**

Issue J - Training and Education for Court Administration, Management Judges and Court Staff. Recruitment and Retention of Court Staff - **6.4**

Issue C - Public Education, Media, Legislative Relations - **5.1**

Issue K - More Efficient Use of Technology and Local Training, Electronic Filing, Improve Information Sharing - **4.9**

Issue M - Facility Planning, Regional Access (Courthouses), Space Planning - **4.9**

Issue G - Increase Resources to Meet Additional Requirements for Probation Services in Limited Jurisdiction Courts - **4.3**

Issue E - Clarify Role of Court. Public/Legal Community Expectations Concerning Court Functions - 4.3

Issue B - Delivering Services to Non-English Clients, Deaf - 3.7

Issue F - Provide User Friendly Information for Use with Local Decision Makers - 2.7

Issue L - Jury Issues and Reform, Compensation, etc. - 2.7

- D. The group then focused its attention on the role and function of the Committee.** Rick Rager and Judge Kaufman provided some background on the Committee. They discussed how the agenda is formed and how committee membership is put together as detailed in the Administrative Order that created this Committee. In answer to a question from Judge Kaufman there was strong support for strategic planning. This was followed by a general discussion on how often the Committee should hold a strategic planning meeting. The Committee decided to do strategic planning once a year in the spring, except that the Committee will wait until Spring 2002 to hold the next strategic planning session.

The discussion then turned to the membership of the Committee. It was noted that there is no need to have five rural presiding judges. A suggestion was made just to have five rural members, perhaps with a minimal number of presiding judges, for example, five rural judges with at least two being presiding judges, the rest designees. Each special division judge should be represented. We need more flexibility in general in selecting committee members.

There was a brief discussion on how the agenda for the meetings is put together. We may be able to use telephonic conferences, but only for emergency matters. It is important that the Committee members meet face-to-face. Also, it is hard to get away from local workload duties when you are attending a meeting telephonically. One meeting should be devoted exclusively to legislative changes. We should not have other matters on the agenda. This meeting is usually held in the fall. The Committee agreed to having three meetings with the winter/spring meetings having an unrestricted agenda.

There was a brief discussion about the role and function of the Superior Court. For example, it is important that the courts engage in outreach efforts but how far should this outreach extend. Also, we are affected by what is going on around us. The Committee agreed that this topic should be on the winter agenda.

E. Legislative Review and Other Issues - Friday, September 15, 2000

The Committee members introduced themselves again. The Committee then considered the legislative package as detailed below.

01-01 - Drug Court Funding

Concern was voiced that treatment money should not only go to Drug Court.
The Committee voted 17-2 to include.

01-02 - Interstate Compact for Adult Offenders

The Committee voted 18-1 to include.

01-04 - Time Payment Fee Extension

The Committee voted 19-0 to include.

01-05 - Collection Agency Costs

A motion was made to change the wording from "may" to "shall," and that the proposal only apply to restitution. The motion died for want of a second.
The Committee voted 13-6 to include.

01-06 - Jurisdiction for Court Ordered Payments

The Committee voted 1-18 to not include.

01-07 - Collection from Inmates

A motion was made to change the phrase "dependant care" to "child support." After further discussion the motion was suspended.
The Committee voted 1-18 to not include.

01-08 - Domestic Violence

Section 6, pages 9-12 were withdrawn from consideration.
A motion was made that per page 9 of the legislation the definition of domestic violence should not be changed. Also, per page 16, line 37, Section 4.2(C) should appear in both sections of the bill. The motion was seconded and passed unanimously.
Concern was voiced whether there were sufficient funds to provide the needed probation services. There is only about \$300,000 available for such services.
The Committee voted 2-0-16 to include with amendments.

The Committee paused to consider the minutes from the last meeting. The minutes were approved as written.

01-09 - Children's Mental Health Services

The Committee voted 14-1 to include.

01-10 - Authorized Bail Payment

A motion was made to delete reference to "cash bond." The amendment passed unanimously. The Committee voted 1-0-17 to include with amendment.

01-11 - Fee Elimination

This bill was withdrawn because the provisions are already included in proposal 01-08, Domestic Violence.

01-12 - Write-Off of Uncollectible Debts

A motion was made to have the clerks process this bill on their own. The motion passed. The Committee voted 4-0-14 to have Clerks propose this bill on their own.

01-13 - Adult Adoption

The Committee voted 19-0 to include.

01-16 - Juror Pay

A motion was made to incorporate the language for last year's juror bill, namely, "no less than \$30 the second day and thereafter." The motion passed. The Committee voted 0-2-17 to include with amendment.

01-17 - Probation Officer Pay

The Committee voted 16-2-0 to include.

01-18 - Judicial Disability Retirement Procedure

The Committee voted 16-3 to include.

The Committee heard from Judge Mark R. Moran on injunctions against workplace harassment and order of protection forms.

The Committee voted to support the work of the domestic violence work group.

- F.** At lunch the Committee considered the "Fees Waivers and Deferrals Procedure." Steve Nelson, Karen Westover and Debby. Finkel provided an overview of the procedure. The Committee was informed that they should only consider version B on the proposal (version A was withdrawn). Karen highlighted the important provisions of the proposal, for example, permanent inability to pay, verbal avowal, entry of final judgment, notice of court fee due, length of time to pay court fees, appearance of applicant in person, inmate filings, domestic relations cases, and

hearing before collection procedures. Steve Nelson provided a brief overview of the payment procedure in Yuma County.

A motion was made to approve version B with local option. There was a discussion as to the definition of "permanent inability to pay." One suggestion was to define it as a "condition unlikely to change." Other suggestions included "forever unable to pay," "unlikely able to pay," and "inability to pay is unlikely to change." A suggestion was made to have the work group come up with multiple definitions. Version B was approved.

- G.** Marge Cawley provided an overview of the victim summit. Major concerns of victims include restitution payment, enforcement/implementation of existing victims' rights, and general safety issues in the court. Two victim summits were held and a plan was developed with ten action items for review by the Chief Justice. These issues will be reviewed by the Arizona Judicial Council (AJC) at its October 2000 meeting.
- H.** Nancy Swetnam provided an overview of the Temporary Certification Rule for Court Reporters. General Rule I applies to most certification programs. Complaints are treated as confidential until probable cause has been established. There may be a need to insulate the investigation process from the adjudication process. A suggestion was made to let the defendant decide. It is proposed that court reporters will not be re-fingerprinted as part of the standard certification program. There was discussion about a possible "grandfather" clause in the proposal. Nancy indicated this was not a grandfather clause but simply allowed for certification of court reporters from other states based on experience. Questions were raised about court reporters who may be practicing without certification. Judges and court staff have an obligation to report such infractions to the Court Reporter Certification Board. The proposal would also prohibit contracting by court reporters.

Per the Private Process Servers Certification Program a remark was made that possibly this should be a state system (certification is handled at the local level currently). The status of government process servers was also briefly discussed. Should they conform to the certification program? These rules will be finalized and present to the Committee in December for final approval.

- I. Judge Kaufman welcomed the new members to the Committee. The Committee then voted to prioritize the legislative package as follows:**

C - Proposal 01-04, Time Payment Extension - **7.3**

A - Proposal 01-01, Drug Court Funding - **7.2**

E - Proposal 01-08, Domestic Violence - **6.4**

K - Proposal 01-17, Probation Officer Pay - **6.1**

J - Proposal 01-16, Juror Pay - **5.9**

G - Proposal 01-10, Authorized Bail Payment - **4.5**

B - Proposal 01-02, Interstate Compact for Adult Offenders - **4.4**

F - Proposal 01-09, Children's Mental Health Services - **4.4**

H - Proposal 01-12, Write-Off of Uncollectible Debts - **4.2**

L - Proposal 01-18, Judicial Disability Retirement Procedures - **4.1**

I - Proposal 01-13, Adult Adoption - **3.7**

D - Proposal 01-05, Collection Agency Costs - **3.6**

- J.** Via telephone Ms. Lynn Wiletsky, AOC, Juvenile Court Services, provided an overview of the operational review procedure. Mike Jeans stated that some mention should be made of the Clerks having responsibility for their office. The AOC should not duplicate audits; audits should be coordinated.

The Committee approved the proposed procedures.

The next meeting of the Committee on Superior Court shall be held on Friday, December 8, 2000 at The Property in Casa Grande.

Rick Rager, staff to the Committee on Superior Court, has left the AOC to take a position as Civil Court Administrator for the Tempe Municipal Court. Ms. Theresa Barrett has been promoted to fill Rick's position and will serve as staff to the Committee in the future. Ms. Barrett can be reached by contacting (602) 542-9364.